

D126
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
LEATHER et al.

Atty. Ref.: 723-964 **RECEIVED**

Customer No.: FEB 10 2004

Serial No. 09/726,226

TC/A.U.: 2672 **OFFICE OF PETITIONS**

Filed: November 28, 2000

Examiner: Luu, Matthew

For: METHOD AND APPARATUS FOR ANTI-ALIASING IN A GRAPHICS SYSTEM

* * * * *

December 9, 2003

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

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Attention: Ken Weider
Special Programs Examiner TC2600

Technology Center 2600

**REQUEST FOR WITHDRAWAL OF NOTICE OF ABANDONMENT UNDER
MPEP 711.03 AND/OR PETITION TO REVIVE UNDER RULE 137(B)**

Sir:

Applicants request withdrawal of the 10/21/03 Notice of Abandonment (copy attached) mailed in this case.

Applicants previously responded to the 3/13/03 official Office Action by transmitting by facsimile to the PTO, the attached "Response/Amendment" dated 9/15/03. However, on 10/21/03, the PTO sent a Notice of Abandonment stating that the application was being held in abandonment in view of "[a]pplicant's failure to timely file a proper reply to the Office letter mailed on 13 March 2003", and that "no reply has been received." Through subsequent telephone conversations with Examiner Luu and Special Programs Examiner Ken Weider, the undersigned learned that the applicants' "Response/Amendment" dated 9/15/03 was never placed in the PTO file. Since then, the undersigned has been coordinating reinstatement of the subject application by telephone. Applicants now formally request the PTO to withdraw its holding of abandonment and to consider the 9/15/03 "Response/Amendment" in response to the 3/13/03 Office Action.

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Applicant's "Amendment/Response" dated 9/15/03 included a certification in accordance with Rule 1.8 as follows:

I hereby certify that this Amendment and Transmittal Cover Sheet is being facsimile transmitted for official filing to the Patent & Trademark Office on September 15, 2003, and specifically to TC2600 at 703-872-9314.

The undersigned believed in good faith at the time that, as stated in the above certification, he transmitted the document to the USPTO before midnight on 9/15/03. However, the USPTO's Auto-Reply Facsimile Transmission receipt (also attached) indicates a "Fax Information Date Received" of "9/16/03 12:02:19 AM [Eastern Daylight Time]" – two minutes after midnight on 9/16/03. Out of an abundance of caution, to the extent the PTO considers it necessary to treat this paper as a Petition to Revive Under Rule 137(b) ("Unintentional Abandonment"), applicant hereby states that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to Rule 137(b) was unintentional. The PTO is hereby authorized to charge any petition or other necessary fee to our Deposit Account No. 14 -1140 under order number 723-964.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



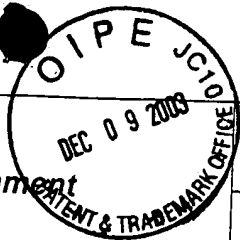
William G. Niessen

Reg. No. 29,683

WGN:
Enclosures

1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

Notice of Abandonment



Application No.

09/726,226

Examiner

LUU MATTHEW

Applicant(s)

LEATHER ET AL.

Art Unit

2672

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 13 March 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.

Technology Center 2800

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.

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3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

MATTHEW LUU
PRIMARY EXAMINER

703-305-4850

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

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OFFICE OF PETITIONS

Part of Paper No. 16

TO:Auto-reply fax to 703 815 4100 COMPANY:

Auto-Reply Facsimile Transmission



UNITED STATES
PATENT AND
TRADEMARK OFFICE

TO:

Fax Sender at 703 816 4100

Fax Information

Date Received:

Total Pages:

9/16/03 12:02:19 AM [Eastern Daylight Time]

15 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

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09/16/03 08:20 NIXON & VANDERHYE 703 816 4100 + USPTO NO.255 081

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Adm Dkt. 723-954
C# M#
LEATHER et al. Group Art Unit: 2572
Serial No. 09/725 226 Examiner:
Filed: November 28, 2000 Date: September 15, 2003
Title: METHOD AND APPARATUS FOR ANTI-ALIASING IN A GRAPHICS SYSTEM

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE/AMENDMENT LETTER

This is a response/amendment letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

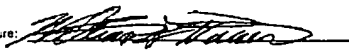
Fees are attached as calculated below:

Total effective claims after amendment	0	minus highest number		
previously paid for	49	(at least 20) =	0	x \$ 18.00
				\$ 0.00
Independent claims after amendment	0	minus highest number		
previously paid for	6	(at least 3) =	0	x \$ 84.00
				\$ 0.00
If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)				\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$930.00/3 months)				\$ 930.00
Terminal disclaimer enclosed, add \$ 110.00				\$ 0.00
<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00)				\$ 0.00
<input type="checkbox"/> Please enter the previously unentered filing				
<input type="checkbox"/> Submission attached				
			Subtotal	\$ 0.00
If "small entity," then enter half (1/2) of subtotal and subtract				-\$ 0.00
<input type="checkbox"/> Applicant claims "small entity" status.			<input type="checkbox"/> Statement filed herewith	
Rule 56 Information Disclosure Statement Filing Fee (\$180.00)				\$ 0.00
Assignment Recording Fee (\$40.00)				\$ 0.00
Other:				\$ 0.00
			TOTAL FEE	\$ 930.00

The Commissioner is hereby authorized to charge any deficiency in the fees filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 815-4000
Facsimile: (703) 816-4100

NIXON & VANDERHYE P.C.
By Amy: William G. Niessen, Reg. No. 29,653

Signature: 

Received from <703 816 4100> at 01/04/03 12:02:19 AM (Eastern Daylight Time) 0610877 v1 - 723-954 cv end

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In re Patent Application of

Atty Dkt. 723-964

C# M#

LEATHER et al.

Group Art Unit: 2672

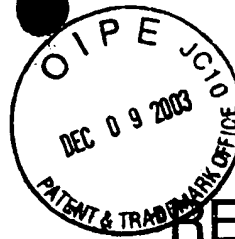
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previously paid for 49 (at least 20) = 0 x \$ 18.00 \$ 0.00

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☐ Please enter the previously unentered, filed

☐ Submission attached

Subtotal \$ 0.00

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☐ Applicant claims "small entity" status. ☐ Statement filed herewith -\$ 0.00

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Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

TOTAL FEE \$ 930.00

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Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

NIXON & VANDERHYE P.C.
By Atty: William G. Niessen, Reg. No. 29,683

Signature:

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